IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6674 of 1987

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M.T. SADHWANI

Versus

STATE OF GUJATAT

Appearance:

PARTY-IN-PERSON for Petitioner

MR PK SHUKLA for M/S MG DOSHIT & CO for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 15/02/2000

ORAL JUDGEMENT

1. The petitioner party-in-person is absent when the matter is called out.

2. The present petitioner had earlier as petitioner filed Special Civil Application No.92/78, which, after final hearing, was decided by judgement and order of this

Court dated 15th October 1984, wherein the petition was allowed and writ of mandamus was issued against the respondent State. Since the respondent did not comply with the said mandamus/directions, the petitioner was obliged to file the present petition.

3. In this petition the earlier Court had occasion to pass an interim order dated 16th March 1987, wherein further directions were given. By the said interim order in the present petition, the respondent State was directed to comply with the directions contained in the judgement and order of this Court dated 15th October 1984 in Special Civil Application No.92/78, within three weeks from the date of the receipt of the writ of this Court. Direct service was also permitted. Thus, it would appear that by the aforesaid interim order dated 16th March 1987 the respondent has once again been directed to comply with the mandamus issued in Special Civil Application No.92/78.

4. It is perhaps for this reason that compliance thereof having been obtained, the petitioner is absent.

5. However, the respondent has not filed any affidavit-in-reply, to show cause, for any reason whatsoever, as to why the prayer made should not be granted.

6. Thus, on the facts and in the circumstances of the case, this petition is allowed, and Rule is made absolute as prayed for, except that the respondent shall pay interst at the rate of 12% per annum on the aggregate sum payable, with effect from 15th October 1984 till date of actual payment, unless payment has been made before delivery of this judgement.

7. The respondent shall also pay the petitioner the costs of this petition quantified at Rs.2000/-.

8. The Registry is directed to send a copy of this order to the petitioner forthwith i.e. not later than 24.2.2000.

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